

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

THE PEOPLE,

Plaintiff and Respondent,

v.

JACK WILLIAM KINEY,

Defendant and Appellant.

C050727

(Super.Ct. No. 627268)

***Modification of Opinion
And denial of Rehearing;
Change in Judgment***

APPEAL from a judgment of the Superior Court of Placer County, Colleen Nichols, Judge. Reversed in part; affirmed as modified.

Mark Alan Hart, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Mary Jo Graves, Chief Assistant Attorney General, Michael P. Farrell, Senior Assistant Attorney General, Charles A. French and Jeffrey D. Firestone, Deputy Attorneys General, for Plaintiff and Respondent.

THE COURT:

The opinion filed herein on May 30, 2007, was certified for partial publication. The Disposition is modified as follows:

We reverse the enhancements for the Nevada arson conviction and the Canadian robbery conviction prison terms. We reduce defendant's sentence on the misdemeanor count to a concurrent term of 120 days. As modified to 28 years to life, the judgment is affirmed. We direct the trial court to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment showing the modified sentence.

This modification changes the judgment.

The petition for rehearing is denied.

FOR THE COURT:

SCOTLAND , P.J.

SIMS , J.

MORRISON , J.